

PREVAILED

Roll Call No. _____

FAILED

Ayes _____

WITHDRAWN

Noes _____

RULED OUT OF ORDER

HOUSE MOTION _____

MR. SPEAKER:

I move that Senate Bill 440 be amended to read as follows:

- 1 Page 5, after line 29 , begin a new paragraph and insert:
- 2 "SECTION 7. P.L. 183-2002 IS AMENDED TO READ AS
- 3 FOLLOWS [EFFECTIVE UPON PASSAGE]: (a) The environmental
- 4 quality service council shall do the following:
- 5 (1) To the extent the following are involved in the implementation of
- 6 a rational wetland management policy, consider:
- 7 (A) Protection of surface and ground water quality.
- 8 (B) Control of location of accumulations of water.
- 9 (C) Water rights.
- 10 (D) Agricultural land use.
- 11 (E) Nonagricultural land use.
- 12 (F) Flood control.
- 13 (G) Natural habitat protection. "(H) Any other matter the council
- 14 identifies.
- 15 (2) Recommend principles for addressing state or local government
- 16 management of and, with respect to state management, state agency
- 17 responsibility for:
- 18 (A) land areas with wetland characteristics; and
- 19 (B) location and quantity of nonwetland surface water;
- 20 not under the jurisdiction of the federal Clean Water Act (33 U.S.C.
- 21 1341).
- 22 (3) Recommend a framework for overall state policy on wetlands to
- 23 implement the 1996 Indiana Wetland Conservation Plan with goals,
- 24 objectives, and responsibilities, including recommendations on:
- 25 (A) as a long term strategy, the types and functions of wetlands that are

1 valued in particular geographic areas; and
2 (B) the means for restoring, maintaining, and protecting wetlands,
3 including identification of agencies to be involved and the incentives
4 to be offered.
5 (4) Recommend the appropriate role and components of banking
6 programs as part of a mitigation rule to foster private initiatives to
7 restore wetlands in the context of a rational statewide wetland strategy.
8 (5) Consider the options for statutory definition of 'private pond' and
9 explain the implications of each option.
10 (6) Submit its final report on the matters referred to in subdivisions (
11 1) through (5) before November 1, 2002, to:
12 (A) the governor; and
13 (B) the executive director of the legislative services agency.
14 (b) The environmental quality service council shall consult with and
15 otherwise involve in its proceedings for consideration of the matters
16 listed in subsection (a):
17 (1) the director of the department of natural resources or the director's
18 designee; and
19 (2) representatives of all federal agencies involved in the regulation of
20 wetlands.
21 (c) A state agency or board may not:
22 (1) adopt or amend an administrative rule concerning the definition of
23 'wetlands' or 'isolated wetlands'; or
24 (2) enforce an administrative rule promulgated after January 1, 2002,
25 that concerns the definition of 'wetlands' or 'isolated wetlands';
26 until the environmental quality service council has submitted its final
27 report under subsection (a)(6) or May 1, 2003, whichever occurs first.
28 **May 1, 2004."**
29 Renumber all SECTIONS consecutively.
(Reference is to ESB 440 as printed April 7, 2003.)

Representative WOLKINS